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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,440	02/10/2004	John G. Gorman	19384-002002	2913
20985	7590	09/07/2007		
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER LE, UYEN T	
			ART UNIT 2163	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

CA

<b>Office Action Summary</b>	<b>Application No.</b> 10/776,440	<b>Applicant(s)</b> GORMAN, JOHN G.	
	<b>Examiner</b> Uyen T. Le	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-86 and 88-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41-46, 49-53, 58-77, 80, 89 and 90 is/are allowed.
- 6) ☒ Claim(s) 47, 48, 54-57, 78, 79, 81-86 and 88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claim 87 has been further canceled.
2. Claims 41-86, 88-90 are now pending.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 19 June 2007 has been entered.

#### ***Information Disclosure Statement***

4. The information disclosure statement filed 13 July 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Applicant is kindly requested to submit items 14, 15 not yet considered, listed in the IDS.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 79 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one

skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification merely repeats the claim limitations without any support for the claimed "means".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 48, 54-57, 81-86, 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 48, 54 "the predefined set" lacks antecedent basis.

Claim 55, last paragraph is not understood due to the award wording.

Claim 81, line 5, the claimed "sort procedure" does not seem to play any role in the claimed method.

Claim 88, last line "most suitable" seems to be purely subjective.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 78 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed system merely include modules broadly interpreted as software per se. Thus it lacks the physical articles or objects to constitute a machine within the meaning of 35 USC 101. The examiner suggests adding --; the modules residing and executing on a computer—after "data cells" at the last line of claim 78.

***Claim Objections***

8. Claim 47 is objected to because of the following informalities:

Claim 47, line 2 –users interaction with—has to be inserted after “via”.

Claim 47, line 3 –filter—has to be inserted after “predefined”.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 81-84 are rejected under 35 U.S.C. 102(b) as being anticipated by MacGregor et al (US 5,396,621).

Regarding claim 81, MacGregor discloses all the claimed subject matter (see Figures 6a-c 8a-g). The claimed filter cells read on items 601, 602. The claimed table of rows and columns of data cells read on the spreadsheet shown in Figures 6a-c. The data cells are clearly associated with at least one of the filter cells since the filter cells control how the data cells are sorted. Each of the column or row is clearly associated with a sort procedure of ascending or descending. The claimed “receiving filter criteria...filter cells” is met by the fact that the method receives sorting criteria of range shown in Figure 6b. The claimed “identifying data cells...filter cell” merely reads on the fact that once the

filtering criteria of sorting data cells in the specified range is received, the method of MacGregor processes the filtering operation on those data cells.

Regarding claim 82, MacGregor discloses displaying the identified data cells graphically including other image marking automatically applied to at least some of the identified data cells that satisfy the filter criteria (see Figures 8a-g).

Regarding claim 83, MacGregor discloses "saving the content...filter queries" when MacGregor shows storing the set of command for later playback in the learn mode (see column 6, lines 27-60).

Regarding claim 84, the claimed "automatically filling...filter queries" merely reads on the fact that the scripts are executable modules (see columns 8, 9 entering learn mode).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 85, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacGregor et al (US 5,396,621).

Regarding claims 85, 86, although MacGregor does not specifically show the content that belongs to a data set includes one or more links of Internet address related to the data set, MacGregor clearly shows spreadsheets of information on stocks of different companies (see Figures 8 a-d). Since stock

information are readily available over the Internet, it would have been obvious to one of ordinary skill in the art to include the claimed features while implementing the method of MacGregor in order to provide up-to-date stock information to users.

***Allowable Subject Matter***

11. Claims 41-46, 49-53, 58-77, 80, 89, 90 are allowable.
12. Claims 47, 48, 54, 88 would be allowable if rewritten to overcome the objection and rejections discussed above.

The following is a statement of reasons for the indication of allowable subject matter: applicant's terminal disclaimer filed against US Patent 6,738,770 has been approved and the prior art of record does not disclose or make obvious a method of managing data recited in independent claims 41, 44, 46, 52, 58, 61, 64, 67, 71, 80.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sumita et al (US 5,907,836) teach information filtering.

Conner et al (US 6,779,152) teach rotating a dynamic HTML table.

McGarry (US 6,859,907) teaches large data set storage and display for electronic spreadsheets applied to machine vision.

Weinberg et al (US 6,883,136) teach simultaneous display and formatting of disparate values in a tabular form.

Goldberg et al (US 2002/0080170) teach information management system.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3 September 2007  
/UL/  
Uyen Le  
Primary Examiner